

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Civil No. 06-2189 (DSD/AJB)

DeMario James Drummond,

Petitioner,

v.

ORDER

State of Minnesota,

Respondent.

This matter is before the court upon petitioner's objections to the report and recommendation of Magistrate Judge Arthur J. Boylan dated June 6, 2006. In his report, the magistrate judge concluded that the petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 should be dismissed for lack of jurisdiction.

The court reviews the report and recommendation of the magistrate judge de novo. 28 U.S.C. § 636(b)(1)(C). The court finds that the report and recommendation of the magistrate judge is well reasoned and correctly disposes of petitioner's claims. Therefore, the court adopts the report and recommendation of the magistrate judge in its entirety.

Furthermore, the court determines that petitioner has not made a "substantial showing of the denial of a constitutional right" as required by 28 U.S.C. § 2253(c)(2). Thus the court does not grant a certificate of appealability.

Accordingly, **IT IS HEREBY ORDERED** that:

1. Petitioner's application for habeas corpus relief under 28 U.S.C. § 2254 [Doc. No. 1] is dismissed.
2. Petitioner's application to proceed in forma pauperis [Doc. No. 3] is denied.
3. This action is dismissed without prejudice.
4. For purposes of appeal, the court does not certify the issues addressed herein pursuant to 28 U.S.C. § 2253(c)(2).

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: June 22, 2006

s/ David S. Doty
David S. Doty, Judge
United States District Court